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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,231	02/20/2001	Toshiro Obitsu	1046.1241 (JDH)	4361

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

DU, THUAN N

ART UNIT

PAPER NUMBER

2116

DATE MAILED: 01/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,231

Applicant(s)

OBITSU, TOSHIRO

Examiner

Thuan N. Du

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. Claims 1-4 are presented for examination.

Priority

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

3. The drawings are objected to because in Figure 4, S7, "DEPESED" should be -- DEPRESSED --. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui (JP Patent No. 07-325639)¹ in view of Tsirkel et al. [Tsirkel] (U.S. Patent No. 6,665,805).

6. **Regarding claim 1**, Fukui teaches an information processing system (computer 2) interlocking with an imaging device (camera 1), the system comprising:

a control unit controlling the power state for the system (power control means 4) [Fig. 1; translation, paragraph 0029];

a signal receiving unit (image-processing means 3 and/or display controller 2g) receiving an imaging indication signal from said imaging device [Fig. 1]; and

an imaging indication signal detection unit (image-processing means 3) [translation, paragraph 0028] starting the control of the power state of the system when the imaging indication signal is detected [translation, paragraph 30].

Fukui does not explicitly specifying the power state of the system comprising lower power state (suspend mode) and full power state (normal operation mode).

Tsirkel teaches another information processing system (computer 100) interlocking with an imaging device (camera 130) [Fig. 1], comprising a power controller (118) for controlling the power states of the computer [col. 2, lines 2-4], wherein the computer is shifted to a low power state when the presence of a user is not detected by the camera and the computer is restored to a full power state when the presence of a user is detected by the camera [col. 1, lines 40-49; col. 2, line 23, 44-47].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fukui and Tsirkel because they both directed to computer

¹ JP Patent No. 07-325639 was submitted by applicant on 2/20/2001.

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system power management. Tsirkel's teaching of shifting the computer system to a low power state and restoring the system to a full power state based on a signal from the camera would reduce the power consumption of Fukui's system.

7. **Regarding claim 3**, Fukui and Tsirkel together teach the claimed apparatus. Therefore, Fukui and Tsirkel together teach the method of operating of the claimed apparatus.

8. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukui (JP Patent No. 07-325639) in view of Tsirkel et al. [Tsirkel] (U.S. Patent No. 6,665,805) as applied to claims 1 and 3 above, and further in view of Lee (U.S. Patent No. 5,995,139).

9. **Regarding claim 2**, Fukui teaches the imaging indication signal detection unit for detecting the imaging indication signal from the imaging device, thereafter, a control signal is sent to the power control unit for controlling the power of the system [translation, paragraph 30].

Tsirkel teaches, while system is in the suspend mode, the power controller executing a shift from suspend mode to normal operation mode when the presence of a user is detected [col. 2, lines 44-45].

However, both Fukui and Tsirkel do not teach a record of photographed-image data received immediately after the shift to the normal operation mode.

Lee teaches a system for identifying visitors comprising a storage device for storing a record of photographed-image data captured by a camera interlocked with a computer system, wherein the photographed-image data is stored immediately after the computer system shifts to a normal operation mode [col. 4, lines 26-38].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Fukui-Tsirkel and Lee because they both teach system for capturing image by a camera interlocking with a computer system. Lee's teaching of storing the captured image to a storage device within the computer system immediately after the computer system shifts to a normal operation mode would increase the flexibility and reduce the power consumption of Fukui-Tsirkel's system by allowing the system stores images, captured by the camera during the system in suspend mode, for a latter purpose.

10. **Regarding claim 4**, Fukui, Tsirkel and Lee together teach the claimed apparatus. Therefore, Fukui, Tsirkel and Lee together teach the method of operating of the claimed apparatus.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuan N. Du whose telephone number is (703) 308-6292. The examiner can normally be reached on Monday-Friday: 9:00 AM - 5:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C. Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

The fax number for the organization is (703) 872-9306.

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A handwritten signature in black ink, appearing to read 'Thuan N. Du', with a stylized flourish at the end.

Thuan N. Du
January 9, 2004